

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	Case No. 3:03cr00017
vs.	:	District Judge Thomas M. Rose
		Magistrate Judge Sharon L. Ovington
CHARLES HARDEN,	:	
Defendant.	:	

---

---

**DECISION AND ENTRY**

---

---

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #151), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on August 18, 2009 (Doc. #151) is ADOPTED in full;
2. Defendant's Civ. Proc. Rul 60 Motion (Doc. #147) is DENIED; and
3. Defendant is denied both a certificate of appealability under 28 U.S.C. §2253(c) and leave to proceed *in forma pauperis* on appeal under 28 U.S.C. §1915(a)(3).

September 8, 2009

**\*S/THOMAS M. ROSE**

---

Thomas M. Rose  
United States District Judge